

Application No: 13/3314M

Location: Stocks Lane, Peover Superior, WA16 9EZ

Proposal: Glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping
Resubmission of 12/3873M.

Applicant: C RUDD, FRANK RUDD & SONS

Expiry Date: 01-Nov-2013

Date Report Prepared: 26 September 2013

SUMMARY RECOMMENDATION

Approval, subject to conditions.

MAIN ISSUES

- Principle of the development;
- Impact upon the openness and character of the Green Belt and surrounding countryside;
- Highways safety; and
- Impact upon protected species.

REASON FOR REPORT

The Councils scheme of delegation requires proposals over 10,000sqm to be determined by the Strategic Planning Board.

Subject to the recommended conditions, this revised proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The application site is some 10.9 acres of agricultural land located directly adjacent to Woodend Nursery and to the east of Radbroke Hall, which is designated within the Local Plan as a major development site.

To the north and north east of the site is open countryside and to the east, approx 45m away is Rose Cottage.

Public Footpath No.27 Peover Superior runs parallel to the western boundary of the site.

The site is generally flat with trees and hedging surrounding the site. Access to the site is gained via a field gate and track, which is served off Stocks Lane.

This site is identified within the Macclesfield Borough Local Plan as forming part of the Cheshire Green Belt.

DETAILS OF PROPOSAL

Full planning permission is sought for a large glasshouse measuring 145 metres by 148 metres covering a footprint of approx 21,460sqm, associated hard standing as well as water and heat storage facilities.

A small plant/boiler room office, toilets and canteen for workers are also proposed within the glasshouse.

The proposal will form an extension to the existing facilities at Woodend Nursery; an existing and established horticultural business, which specialises in the cultivation of tomato plants.

The proposed development will provide facilities for a hydroponics method of growing by way of enriched solutions, without soil in raised trays above the ground and protected from the elements by the glasshouse structure.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

Planning Permission was refused on 5 April 2013 for the erection of a glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping, under reference 12/3873M.

This application proposal was a mirror of the current submission and was refused at April's Strategic Planning Board for the following reason: -

- *Insufficient information has been submitted with the application relating to protected species in order to assess adequately the impact of the proposed development having regard to Great Crested Newts. In the absence of this information, it has not been possible to demonstrate that the proposal would not result in adverse impact on Great Crested Newts which are a European protected species and comply with Local Plan policy NE11 and policies contained within Chapter 12 of the National Planning Policy Framework.*

The recent planning history for Woodend Nursery to which this development relates:

- Planning Permission was granted on 29 June 2008 for the erection of a Glasshouse, under reference 08/0834P;
- The Reserved Matters for the details of the agricultural workers dwelling was granted on 1 March 2007, under reference 07/0069P;

- Outline Planning Permission was granted on appeal on 27 October 2006 for the erection of an Agricultural Workers Dwelling, under reference 05/1134P; and
- Planning Permission was granted on 29 March 1984 for the erection of a Glasshouse for the production of horticultural crops, under reference 36593P.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

North West of England Plan Regional Spatial Strategy to 2021:

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Although it was referenced when this scheme was last discussed at Strategic Planning Boards, this document no longer forms part of the Development Plan.

Local Plan Policy:

The application site lies within the Cheshire Green Belt, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy BE1: Design guidance;
- Policy GC1: New buildings;
- Policy DC1: New build;
- Policies DC3 and DC38: Residential Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policies DC13 and DC14: Noise;
- Policies DC17, DC18 and DC20: Water Resources;
- Policy DC28: Agricultural Buildings; and
- Policy DC64: Floodlighting.

Other Material Considerations

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

The particular chapters relevant to this application proposal are:

- Chapter one: Building a strong competitive economy
- Chapter two: Supporting a prosperous rural economy
- Chapter nine: Protecting Green Belt Land
- Chapter ten: Meeting the challenge of climate change, flooding and coastal change
- Chapter eleven: Conserving and enhancing the natural environment

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- The Cheshire Landscape Character Assessment (2009).

CONSULTATIONS (External to Planning)

Highways: No objections subject to conditions.

Public Rights of Way Officer: Advises that the proposed development is unlikely to affect the public right of way. It is therefore requested that an advice note be added to any planning consent to ensure that developers are aware of their obligations not to obstruct the public right of way.

Countryside Access Development Officer: Advises that, in line with the Council's published Rights of Way Improvement plan, this particular footpath would benefit from the installation of a pedestrian gate where the stile currently is.

Environment Agency: No comments.

Flood Risk Management Officer: No objections are raised in principle to this development. Any proposed surface water discharges to watercourses as indicated in this application should be approved by Cheshire East Council. Surface water run-off from the new development should be restricted to Greenfield site equivalents and final drainage design details should be submitted for approval.

Environmental Health: The Environmental Health Department have raised no objections to the development subject to the following conditions: Hours of construction to be limited to between 08:00 to 18:00 hrs Mondays to Fridays, 09:00 to 14:00 hrs on Saturdays and Nil on Sundays and Bank Holidays

A condition restricting noise generation from all fixed plant and machinery associated with this development when operating simultaneously, shall not exceed the background noise level ($L_{A90,T}$) by more than -5dB at any time when measured at the nearest noise sensitive premises.

Both conditions are advised to protect the residential amenities of nearby residential properties.

REPRESENTATIONS

The application has been advertised in accordance with the General Development Management Order 2010, in this case incorporating the following elements:-

- On site, by the means of a site notice on Stocks Lane making reference to major planning application;
- A site notice were posted on 5 September 2013;
- A notice was published in the local press (Knutsford Guardian) on 21 August; and
- Surrounding residential properties have also been written to directly.

The publicity period for this application expired on 26 September 2013.

No letters of representation have been received regarding this application.

VIEWS OF THE PARISH / TOWN COUNCIL

Peover Superior Parish Council: No objections are made to the application.

APPLICANT'S SUPPORTING INFORMATION

In support of this application, the applicant has submitted a *Design and Access Statement* and *Horticultural Appraisal* that outlines the context of the Tomato growing industry, the existing horticultural business at Woodend Nursery and the requirement for expansion. Both statements can be read in full on the Council on line planning system. However, the most relevant parts are as follows:

"Tomatoes are a warm season vegetable crop. Almost all tomatoes in Britain are now grown in glass houses during the natural season and harvested between March and November. British tomato growers can claim outstanding achievements in environmental protection. These achievements are based on:

- A substantial reduction in energy use for heating glasshouses;
- The almost complete elimination of pesticide use;
- Major reductions in the use of fertilisers and their loss into the environment;
- Highly efficient use of water, an increasingly scarce resource; and
- Substitution for imports with their associated "food miles" and lower environment."

Paragraph 6.10 of the *Design and Access statement* states that "there is about 200 hectares (500 acres) of glasshouses used to produce tomatoes in Britain."

Paragraph 6.11 of the *Design and Access Statement* also states that "there is increasing demand for tomatoes and premium tomatoes, such as tomatoes on the vine, are driving

growth in the market. Vine tomatoes now account for half of the UK tomato production area. Woodend Nursery currently grows four varieties of tomatoes: Vine, standard round, mini plum and mini plum on the vine. There is huge demand for the mini plum on the vine crops. These are high value and require more labour input. It is anticipated that the new glasshouse will be used to produce more of this high value product.”

Paragraph 6.1 of the *Horticultural Appraisal* states that “the nursery currently supplies fruit to a number of outlets including Eversham Vale Growers who are a major supplier to Sainsbury’s, but also supply the Co-operative, Morrison’s and Somerfield’s. They also supply local wholesalers and have significant retail sales direct from the nursery site.”

The applicant contends that there is no room to expand at Woodend Nursery on the south side of Stocks Lane, or on land adjoining Woodend Nursery. Permission was granted in 2008 to infill the last remaining area suitable for glass house production. The business has successfully negotiated the purchase of land on the north side of Stocks Lane.

The application proposal is to site a single glass house block on this land with associated plant room and two external water tanks for storing borehole water for irrigation and as a heat storage tank to store water heated during the day as a by product of CO₂ production which is then used at night time to maintain the correct temperature in the glass house.

Paragraph 1.4 of the *Design and Access Statement* also states that “for maximum efficiency the glass house must operate as a single block with a central access corridor. It would be operated in association with existing operations / facilities at Woodend which includes the dwellings for key managers, the main yard area for deliveries, packing shed, cold store and main offices. The glass house would have its own boiler plant and treated water supply, but the fully automated computer system would be linked to the alarm system connected to the dwellings at Woodend Nursery. This is another reason why production needs to be planned and delivered in this location.”

The applicant has indicated that the proposed development would bring the total amount of glass house floorspace at Woodend Nursery up to approx 34,000sqm.

Finally, paragraph 6.5 of the *Design and Access Statement* states that “the average UK size of a glass house is 55,000sqm. In 2006 the former Macclesfield Council granted permission for a 14,480sqm (3.62 acres) glass house extension for another tomato grower in the same Green Belt area at Woodhouse Nurseries off Field House Lane (*adjoining the Alderley By Pass*) in Alderley Edge, under reference 06/2235P. They now have 56,000sqm of glass houses on their 5.2 hectares (12 acre) site.

OFFICER APPRAISAL

Having considered this application, it is the considered view that the main issues in this case are:

- Principle of the development within this location;
- Impact upon openness and character of the Green Belt and surrounding countryside;
- Highway safety;
- Impact upon protected species; and

- Residential amenity.

Principle of the development within this location:

The application site is situated within the Green Belt. Policy GC1 of the Macclesfield Borough Local Plan advises that approval will not be given, except in Very Special Circumstances, for the construction of new buildings within the Green Belt.

A list of exceptions to this policy is set out, which includes the provision of agricultural buildings. This advice is repeated within paragraph 89 of the NPPF (Green Belts).

Within Section 336 of the Town and Country Planning Act (TCPA) agriculture is defined as:

“includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins of fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of woodlands where the use is ancillary to the farming of land for other agricultural purposes, and agriculture shall be construed accordingly”

The applicant advises that the proposed glasshouse is for horticultural purposes, required for the production and control of an artificial growing environment for tomato plants and would form an extension to an existing and established agricultural business. The proposed development would fall within the exception criteria as a “*building for agricultural*” purposes and therefore, complies with Policy GC1 of the Macclesfield Borough Local Plan.

At the heart of the NPPF is the presumption in favour of sustainable development. The framework also however places a strong emphasis on supporting sustainable economic growth.

Paragraph 28 of the NPPF states that policies should support economic growth in rural areas, in order to create jobs and prosperity, by taking a positive approach to sustainable new development. The Framework promotes strong rural economies and advises that:

- Support should be made for the sustainable growth and expansion of all types of business and enterprises in rural areas; and
- The development and diversification of agricultural and other land based rural business should be promoted.

The application site is located within a ribbon of development, which makes up the settlement area of Over Peover. The site is located approx 2.8 miles southeast of Knutsford Town Centre in a rural location. Whilst, there are limited services to this site, the applicant states that the 27A bus service from Macclesfield to Knutsford runs past this site which can be accessed on a “hail and ride” basis and is already used by existing staff working at Woodend Nursery.

The Agricultural Appraisal advises that in order to maintain the glass houses development should be:

- Of a sufficeint size to accomodate a development of a viable size;

- As flat as possible;
- Within immediate or good access to an arterial road system for efficient transport and distribution with minimum vehicular disturbance to minor roads; and
- With adjacent services such as gas, water and electricity supplies; and preferably in an established horticultural area where support services, specialist suppliers and skilled staff are available.

The applicant states that there is no space within the existing farm complex to accommodate a glasshouse of this scale and it is advised that the expansion is required, in order to remain competitive and continue to maintain supplies to the major supermarkets. This application site is located within very close proximity of the existing Woodend Nursery business (directly adjacent on the north side of Stocks Lane). The location of the glasshouse is therefore considered to be the most suitable as it will be within close proximity of the existing business, to utilise existing facilities and support services (such as packaging), which is to be carried out in existing packing facilities as well as provide 24 hours surveillance and supervision of the crop.

Having regard to the nature of the proposal and the individual merits of the site, it is considered that the application site is convenient and will provide a sustainable expansion of a long time established rural business. The applicant advises that the proposed development will create approx 11.6 Full Time Employees, including two additional on the existing Nursery site. The proposed development will offer a contribution to the growth of the local rural economy and is therefore considered to comply with the objectives set within paragraph 28 of the NPPF.

Impact upon the openness and Character of the Green Belt and surrounding Countryside:

Impact upon the character of the surrounding countryside:

Policy DC28 of the Macclesfield Borough Local Plan sets out the criteria for agricultural buildings. Of relevance to this application, this policy requires the siting, design, scale, and materials to harmonise with the existing landscape and there should not be a significant adverse impact upon residential amenity.

The application site is currently agricultural land, forming part of a larger field that slopes down to Red Brook further to the north. A hedgerow and hedgerow trees form the boundary along Stocks Lane. Footpath 27 Peover Superior is located along the western boundary of the application site, along a north to south alignment from Stocks Lane. Located to the west of the application site is Radbroke Hall, and to the north is agricultural land.

The Cheshire Landscape Character Assessment (2009) identifies that the application site is within Landscape Character Type 10: *Lower Farms and Woods, and more specifically the Marthall Character Area: LFW1*. This identifies the area as being of low, undulating character and as a medium scale landscape of mixed arable and pastoral farmland, with some enlarged fields that offer extensive views.

The proposed glass house measures 145 metres by 148 metres and would occupy a footprint measuring 21,460 sqm. The proposed development will measure approximately 5.8

metres high to eaves and 6.5 metres high to the apex. The glass house would have a profile aluminium frame, which is to be supported by concrete plinths. The proposed structure would stand on bare earth with very little need for any hardstanding. The applicant proposes a concrete yard area proposed for delivery vehicles between the proposed glasshouse and Stocks Lane.

The design of the glasshouse is considered to be appropriate and in keeping with the general style of agricultural/nursery structures within this particular area. The two external water and heating tanks required are to be positioned to the east of the site, set back 100 metres from the road. The hot water tank is cylindrical with a 11.8 metres diameter and 11.5 metres high. A separate water storage tank for the storage of bore hole water would be 17.3 metres in diameter and 3.18 metres high. Both would be constructed in corrugated steel sheets, grey in colour.

With the exception of the new access, all existing hedging is to be retained. The applicant proposes to add additional planting to the boundaries of the site with native trees to be added to the existing Stocks Lane frontage and a new hawthorn hedge is proposed to run along the eastern side of the footpath (27 Peover Superior).

The proposed building would be visible in part from public vantage points with glimpses from Stocks Lane located to the south of the site and from the public footpath. However, it is not considered that the proposed building would introduce an incongruous addition to the existing landscape, as this particular part of Stocks Lane is characterised by substantial buildings relating to agricultural/nursery holdings, as well as Radbrook Hall, which is sited to the west of the site and consists of a series of buildings. With existing and proposed planting, as well as the existing relatively flat topography of land, it is considered that the proposed building will be screened in most parts, from public view.

The Council's Landscape Officer has been consulted on this application and considers that the proposed development will not result in any significant visual impact upon the character of the surrounding area. A landscaping condition requesting further details on the landscaping proposal is advised.

The proposal is therefore considered to comply with Local Plan policies BE1, DC1 and DC28.

Impact upon the Openness of the Green Belt:

Paragraph 79 of the NPPF states that an essential characteristic of the Green Belt is its openness and permanence. The proposed glasshouse, by virtue of its scale, will inevitably have some impact upon the openness of the Green Belt. The applicant advises that no hard standing will be proposed for the footprint of the building and therefore, due to the buildings relatively modest height and the fact that the building will be constructed wholly in glass, it will be lightweight and temporary in appearance. As such, it is considered that the impact upon openness is likely to be limited.

Highways:

The proposed development seeks to widen the existing vehicular access on to Stocks Lane. The main entrance will be positioned approximately 2 metres to the east of the existing field

track/footpath, which runs parallel to the western boundary of the site and will be approximately 6 metres in width. Gates are proposed across this access, but limited details of design and height have been provided within this application.

Access to the existing field track/footpath is to be left open in order to allow walkers and tractors to access the fields located to the rear of the application site.

The Councils Strategic Highways and Transport Manager has been consulted on this application and has raised no objections. He considers that traffic movements will be low, they will involve movements between the two sites and deliveries in/out, mainly westwards to the A50. As a result, there should be no material increase in traffic through Over Peover village. The required visibility at the site access are also considered achievable.

The original field access will need to be widened to permit HGV movements without the over-running of highway verges. This will require its widening, constructional upgrading and surfacing in sealed materials. Also any gates, if normally kept closed during the working day, will need to be set a sufficient distance back to avoid vehicles stopping on the highway. Conditions are suggested to control these details.

Ecology:

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

Great Crested Newts are known to occur at a number of ponds in close proximity to the proposed development.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The development is of overriding public interest,
- There are no suitable alternatives; and
- The favourable conservation status of the species will be maintained.

Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning

permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

The construction of the proposed greenhouse would result in a relatively low level adverse impact on this species due to the loss of an area of poor quality terrestrial habitat and the potential risk of newts being killed or injured during the construction process.

To compensate for the loss of habitat the applicant is proposing the construction of an additional pond and the enhancement of the remaining habitat on site. The risk posed to animals on the site would be mitigated through the erection of an exclusion fence and the removal of newts from the footprint of the development prior to the commencement of works.

The Council's Ecologist has advised that if planning consent is granted the proposed mitigation and compensation would be adequate to maintain and in all likelihood enhance the favourable conservation status of great crested newts. Conditions are suggested to secure this.

Amenity:

There are a number of residential properties located and adjacent to the site on the south side of Stocks Lane and Rose Cottage to the east. However, these properties are located some distance from the proposed glasshouse and whilst the glasshouse may be visible from these properties, it is not considered that the proposed building would result in a significant detrimental impact on the residential amenity of nearby occupiers in term of noise, disturbance and nuisance. No objections have been received concerning this proposal.

Environmental Health have raised no objections to the proposal subject to conditions regarding hours of construction and a condition restricting noise so as not to exceed the background noise level ($L_{A90,T}$) by more than -5dB at any time.

The proposal is therefore considered to comply with Local Plan policy DC3.

Other Material Considerations:

Public rights of way:

The applicant has confirmed that the footpath is to be retained at a 4m width. The field will not be used for the keeping of livestock. Therefore, as the access shall be left open, a gate/stile to this path is not considered necessary. The Countryside Access Development Officer therefore raises no objections.

Renewable Energy:

The *Design and Access Statement* advises that there are a number of renewable energy technologies, which could be incorporated into the development such as anaerobic digestion or a wind turbine. The *Design and Access Statement* states that the applicant is currently investigating incorporating combined heat and power (CHP), which is a renewable energy

technology that would involve the combustion of primary fuels to generate electricity. At present, the applicant relies on gas and coal to fuel their heating plant. The existing boilers are currently used to heat water, which is then circulated through the glasshouse at night time to regulate temperatures within the glass house. The applicant advises however that the use of CHP technology would extract carbon dioxide from the combustion gases, which would be used to supplement the glasshouse atmosphere, in turn, enhancing photosynthesis and providing a more energy efficient operation. Although, these proposals do not form part of the current application, if implemented in the future, the proposed development does have the potential to be carbon neutral.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development would support the growth of the existing rural business and represents an appropriate form of development in the Green Belt, though it would have some impact on openness. The visual impact of the proposal on the character and appearance of the area is considered acceptable and there would be no significant adverse impact on the amenity of nearby properties. Access and parking arrangements are acceptable subject to conditions. Further survey work has been included with this revised submission, which shows that the proposal would not adversely impact on Great Crested Newts, a European protected species. A recommendation for approval is therefore advised subject to the conditions listed below.

In the event of any changes being needed to the wording of the committee's decision (such as to delete, vary or add addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chairman of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Board's decision.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A02LS - Submission of landscaping scheme
5. A04LS - Landscaping (implementation)
6. A04NC - Details of drainage
7. A22GR - Protection from noise during construction (hours of construction)
8. In accordance with Great Crested newt Impact Assessment
9. Details of location and design of newt pond proposed
10. Details of site access arrangements (including surface materials) and visibility splays
11. Any gates set back a min 7 metres from the highway
12. Noise from fixed plant and machinery

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